

Federal Defenders
OF NEW YORK, INC.

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Southern District of New York
John J. Byrnes
Attorney-in-Charge

Via Facsimile - (212) 805-0426

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
40 Centre Street
New York, New York 10007

Re: United States v. Eric Maxwell
04 Cr. 679 (LTS)

Dear Judge Swain:


I write to request an adjournment of the conference currently scheduled for October 20, 2005. With the consent of counsel for the Government, I respectfully request an adjournment until November 1, 2005, at 2:00 p.m. (the date and time scheduled by your Deputy), at which time it is expected that the defendant will enter a guilty plea to Count Three of the Indictment. The adjournment is sought to give the defense additional time to review the plea agreement recently provided by the Government. Accordingly, we respectfully request an exclusion of time under the Speedy Trial Act from October 20, 2005 until November 2, 2005.

THE REQUESTED ADJOURNMENT AND EXCLUSION ARE GRANTED. THE CONFERENCE IS ADJOURNED TO NOVEMBER 1, 2005 AT 2:00 P.M. THE COURT FINDS THAT THE ENDS OF JUSTICE SERVED BY THE GRANTING OF AN EXCLUSION FROM SPEEDY TRIAL COMPUTATIONS FOR THE PERIOD FROM TODAY'S DATE THROUGH NOVEMBER 1, 2005, OUTWEIGH THE BEST INTERESTS OF THE PUBLIC AND THE DEFENDANT IN A SPEEDY TRIAL BECAUSE OF THE NEED FOR FURTHER DISCUSSIONS. THE COURT, ACCORDINGLY, EXCLUDES SUCH TIME PERIOD PROSPECTIVELY. SO ORDERED.

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

cc: Michael Y. Scudder, Jr.
Assistant United States Attorney

Respectfully submitted,


Sean Hecker
Attorney for Eric Maxwell

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.